REMARKS

I. Introduction

With the cancellation herein without prejudice of claim 12, claims 9 to 11, and 13 to 15 are pending in the present application. In view of the foregoing amendments and the following remarks, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration is respectfully requested.

II. Rejection of Claims 9, 12, 13 and 14 Under 35 U.S.C. § 102(b)

Claims 9, 12, 13 and 14 were rejected under 35 U.S.C. § 102(b) as anticipated by German Application Publication No. 37 16 935 ("Thoma"). It is respectfully submitted that Thoma does not anticipate these claims for at least the following reasons.

Claim 9 relates to a method for coating a substrate, including: one of (a) external currentless and (b) electrolytic deposition of at least one of (a) Ni, (b) Co and (c) Pt in a deposition bath in which particles including at least one of (a) Mg, (b) Ti and (d) Zn, and not including Cr, are suspended, the particles becoming occluded in the coating; and heat treating the coated substrate.

Although Applicants may not agree with the merits of the rejection, to facilitate matters, claim 9 has been amended to incorporate the features of claim 12 and to eliminate a typographical error, and claim 12 has been canceled without prejudice. Claim 12 as amended recites, in relevant part, that ***the deposition bath includes suspended silicon particles, the silicon particles becoming occluded in the coating***.

Thoma does not disclose, or even suggest, the above-mentioned feature. As indicated in claims 1, 2 and 6, Thoma relates to a method for producing an oxidation and hot gas corrosion protection layer on a nickel-based, iron-based or cobalt-based alloy substrate. In addition, the protection layer is galvanically deposited, using an electrolyte containing nickel or cobalt (e.g., $NiSO_4$ or $CoSO_4$) and suspended particles of a titanium-silicon compound, such as titanium silicide ($TiSi_2$). However, ***the electrolyte of Thoma does not include suspended silicon particles, but suspended particles of a compound of titanium and silicon***. Accordingly, it is respectfully submitted that Thoma does not anticipate claim 9 for at least these reasons.

As mentioned above, claim 12 has been canceled without prejudice, thereby rendering moot the rejection with respect to this claims.

As for claims 13 and 14, which depend from claim 9 and therefore include all of the features of claim 9, it is respectfully submitted that Thoma does not anticipate these dependent claims for at least the reasons set forth above in support of the patentability of claim 9.

In view of all of the foregoing, withdrawal of this rejection is respectfully requested.

III. Rejection of Claim 15 Under 35 U.S.C. § 103(a)

Claim 15 was rejected under 35 U.S.C. § 103(a) as unpatentable over Thoma. It is respectfully submitted that Thoma does not render claim 15 unpatentable for at least the following reasons.

Claim 15 depends from claim 9 and therefore includes all of the features of claim 9. As set forth in detail in Section II of this response, Thoma does not disclose, or even suggest all of the features of claim 9. Accordingly, it is respectfully submitted that Thoma does not render unpatentable claim 15, which depends from claim 9.

In view of all of the foregoing, withdrawal of this rejection is respectfully requested.

IV. Rejection of Claims 10 and 11 Under 35 U.S.C. § 103(a)

Claims 10 and 11 were rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Thoma and U.S. Patent No. 4,895,625 ("Thoma et al."). It is respectfully submitted that the combination of Thoma and Thoma et al. does not render these claims unpatentable for at least the following reasons.

Claims 10 and 11 depend from claim 9 and therefore include all of the features of claim 9. As set forth above, Thoma does not disclose, or even suggest, at least the feature of claim 9, that the deposition bath includes suspended silicon particles, the silicon particles becoming occluded in the coating. Thoma et al. describes a method for producing a galvanically deposited protection layer against hot gas corrosion, where a substrate is coated in an electrolyte bath containing cobalt and/or nickel. In addition, as indicated in column 2, lines 51 to 52 and column

3, lines 62 to 65 of Thoma et al., the electrolyte also includes suspended chromium and/or aluminum containing metal alloy powders such as CrAlHf, CrAlYHf, CrAlTa, CrAlYTa, CrNiAl, CrCoAl, CrAlSi, CrAl or MoCrSi. However, Thoma et al. nowhere mentions that the electrolyte includes suspended silicon particles and therefore does not cure the deficiencies of Thoma with respect to at least the above-mentioned feature of claim 9. Accordingly, it is respectfully submitted that the combination of Thoma and Thoma et al. does not render unpatentable claims 10 and 11 unpatentable for at least these reasons.

Regarding claim 11, it is respectfully submitted that the combination of Thoma and Thoma et al. does not render this claim unpatentable for at least the following additional reasons. Neither Thoma, nor Thoma et al. discloses, or even suggests, the feature of claim 11 that the particles are alloyed with at least one of (a) Ni, (b) Co and (c) Pt. The above feature provides that particles including at least one of Mg, Ti and Zn are alloyed with at least one of Ni, Co and Pt. As set forth above, the electrolyte of Thoma et al. includes suspended ***chromium*** and/or ***aluminum*** containing metal alloy powders such as CrAlHf, CrAlYHf, CrAlTa, CrAlYTa, CrNiAl, CrCoAl, CrAlSi, CrAl or MoCrSi. First of all, none of the alloy combinations provided by claim 11 contain chromium or aluminum. Secondly, none of the alloy powders listed by Thoma et al. contain Mg, Ti or Zn. Thirdly, none of the alloy powders of Thoma et al. include Pt, only one contains Ni, and only one contains Co. Furthermore, although the electrolyte of Thoma includes suspended particles of a compound of titanium and silicon, Thoma nowhere mentions that the titanium in the particles is ***alloyed*** with Ni, Co or Pt. Thus, when combining the disclosures of Thoma and Thoma et al., one skilled in the art would not arrive at the above-mentioned feature of claim 11. Accordingly, it is respectfully submitted that the combination of Thoma and Thoma et al. does not render claim 11 unpatentable for these additional reasons.

In view of all of the foregoing, withdrawal of this rejection is respectfully requested.

V. Conclusion

In light of the foregoing, Applicants respectfully submit that all pending claims are in condition for allowance. Prompt reconsideration and allowance of the present application are therefore earnestly solicited.

Respectfully submitted,

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